

UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF NEW YORK

UMB Bank, N.A., *as Trustee*,

Plaintiff,

- against -

SANOFI,

Defendant.

Civil Action No.: 1:15-cv-08725
(GBD) (RWL)

[PROPOSED] FIFTH AMENDED DISCOVERY PLAN AND SCHEDULING ORDER

Whereas, on June 19, 2018, the Court “So Ordered” the Fourth Amended Discovery Plan and Scheduling Order (ECF No. 203);

WHEREAS, on September 15, 2018, Plaintiff and Defendant (together, the “Parties,” and each a “Party”) jointly requested a modification to the Fourth Amended Discovery Plan and Scheduling Order (ECF No. 212);

WHEREAS, on September 17, 2018, the Court granted the Parties’ joint request (ECF No. 213);

NOW, THEREFORE, pursuant to Rules 16(b) and 26(f) of the Federal Rules of Civil Procedure (the “Federal Rules”), the Court hereby adopts the following stipulated amended discovery plan and scheduling order.

I. DISCOVERY PLAN

a. Conduct of Discovery:

- i. All discovery shall proceed in accordance with the applicable Federal Rules and the Local Rules of the United States District Courts for the Southern and

Eastern Districts of New York (the “Local Rules”), except as otherwise ordered by the Court or as specified herein.

b. Number of Depositions:

- i. The Parties each may take up to 25 depositions (exclusive of expert depositions) in accordance with Federal Rule 30. Each deposition shall be no longer than 7 hours, unless the parties agree otherwise. Each 30(b)(6) deposition shall count as a single deposition, except to the extent a 30(b)(6) witness is also being deposed in their individual capacity, in which case the deposition of that individual will count as an additional deposition.

II. SCHEDULING ORDER

a. Fact Discovery

- i. The Parties will serve all interrogatories or requests for admission on or before October 30, 2018. The parties are relieved of the restrictions of Local Rule 33.3(a).
- ii. Depositions, other than depositions of experts, shall occur on or before November 12, 2018.
- iii. All fact discovery shall be completed on or before November 12, 2018. There shall be no further extensions absent compelling circumstances.

b. Expert Discovery

- i. Plaintiff shall identify expert witnesses and serve the written reports or disclosures of such expert witnesses, as required by Federal Rule 26(a)(2)(B)-(C), on or before December 21, 2018.
- ii. Defendant shall identify expert witnesses including any rebuttal expert witnesses and serve the written reports or disclosures of such expert witnesses, including any rebuttal expert witnesses, as required by Federal Rule 26(a)(2)(B)-(C), on or before February

19, 2019. Defendant shall take depositions of Plaintiff's expert witnesses prior to submission of Defendant's expert reports.

- iii. Plaintiff shall identify any rebuttal expert witnesses and serve the written rebuttal reports of such rebuttal expert witnesses, as required by Federal Rule 26(a)(2)(B)-(C), on or before April 15, 2019. Plaintiff shall take depositions of Defendant's expert witnesses prior to submission of Plaintiff's rebuttal expert reports.
- iv. Depositions of all experts shall be completed on or before May 20, 2019. Defendant shall be entitled to depose all rebuttal expert witnesses even if such rebuttal expert witnesses were previously deposed in connection with previous reports. Any depositions taken by Defendant of Plaintiff's rebuttal expert witnesses (if any) after service of written rebuttal reports are limited to the issues in the rebuttal reports.

c. Dispositive Motions

- i. Motions for summary judgment shall be served on or before June 24, 2019; opposition papers shall be served on or before August 12, 2019; and reply papers shall be served on or before September 16, 2019.

d. Other Scheduling Matters

- i. A joint pretrial order shall be filed on or before July 1, 2019, unless a motion for summary judgment is made under subsection (c)(i) *supra*. In the event one or more motions for summary judgment are made, the date for submitting a joint pretrial order shall be 30 days from the issuance of a written decision on the motion(s).
- ii. A final pre-trial conference will be held at a date and time to be determined by the Court.
- iii. Every 45 days, the Parties shall submit a joint status letter no longer than 5 pages.
- iv. No further extensions absent compelling circumstances.

DATED: September 24, 2018

CAHILL GORDON & REINDEL LLP

By: s/ Charles A Gilman

Charles A. Gilman
80 Pine Street
New York, NY 10005
Telephone: 212-701-3000
Facsimile: 212-378-2195
Email: cgilman@cahill.com

Michael B. Weiss
80 Pine Street
New York, NY 10005
Telephone: 212-701-3000
Facsimile: 212-378-2616
Email: mweiss@cahill.com

*Attorneys for Plaintiff UMB Bank, N.A., as
Trustee*

WEIL, GOTSHAL & MANGES LLP

By: s/ John A. Neuwirth

John A. Neuwirth
767 Fifth Avenue
New York, NY 10153
Telephone: 212-310-8000
Facsimile: 212-310-8007
Email: john.neuwirth@weil.com

Joshua S. Amsel
767 Fifth Avenue
New York, NY 10153
Telephone: 212-310-8000
Facsimile: 212-310-8007
Email: joshua.amsel@weil.com

Stefania D. Venezia
767 Fifth Avenue
New York, NY 10153
Telephone: 212-310-8000
Facsimile: 212-310-8007
Email: stefania.venezia@weil.com

Attorneys for Defendant Sanofi

IT IS SO ORDERED:

_____, 2018
New York, New York

HONORABLE ROBERT W. LEHRBURGER
UNITED STATES MAGISTRATE JUDGE